

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 173
HOUSE BILL 1077

AN ACT TO DEFINE SEPTAGE, TO CLARIFY WHEN CHEMICAL OR PORTABLE TOILETS MAY BE USED, AND TO MAKE TECHNICAL AND CONFORMING CORRECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-290(a) is amended by adding a new subdivision to read:

"(1a) 'Chemical or portable toilet' means a self-contained mobile toilet facility and holding tank and includes toilet facilities in recreational vehicles."

Sec. 2. G.S. 130A-290(a)(32) reads as rewritten:

"(32) 'Septage' means solid waste that is a fluid mixture of untreated and partially treated sewage solids, ~~liquids~~ liquids, and sludge of human or domestic origin which is removed from a ~~septic tank~~ wastewater system. The term septage includes the following:

- a. Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.
- b. Domestic treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works where the designed disposal is subsurface. Domestic treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Domestic treatment plant septage does not include ash generated during the firing of domestic treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.
- c. Grease septage, which is material pumped from grease interceptors, separators, traps, or other appurtenances used for

the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation, and cleanup.

d. Industrial or commercial septage, which is material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water-carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage.

e. Industrial or commercial treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of sewage that contains any waste resulting from any process of industry, manufacture, trade, or business in a treatment works where the designed disposal is subsurface. Industrial or commercial treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Industrial or commercial treatment plant septage does not include ash generated during the firing of industrial or commercial treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works."

Sec. 3. G.S. 130A-290(a)(33) reads as rewritten:

"(33) 'Septage management firm' means a person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community ~~sanitary sewage wastewater~~ systems that treat or dispose septage."

Sec. 4. G.S. 130A-291.1 reads as rewritten:

"§ 130A-291.1. Septage management program.

(a) The Department shall establish and administer a septage management program in accordance with the provisions of this section.

(b) For the protection of the public health, the Commission shall adopt rules governing the management of septage. The rules shall include, but not be limited to, criteria for the sanitary management of septage, including standards for transportation, storage, treatment and disposal; issuance, suspension and revocation of permits; and procedures for payment of annual fees.

(c) No septage management firm shall commence or continue operation that does not have a permit issued by the Department. The permit shall be issued only when the septage management firm satisfies all of the requirements of the rules adopted by the Commission.

(d) Septage shall be treated and disposed only at ~~public or community sanitary sewage systems~~ a wastewater system ~~designed to discharge effluent to the surface~~

~~waters and at sites that has been approved by the Department under rules adopted by the Commission or by the Environmental Management Commission or at a site that is permitted by the Department. The Department under this section. A permit shall be issued only if the site satisfies all of the requirements of the rules adopted by the Commission.~~

(e) A septage management firm that operates one pumper truck shall pay an annual fee of three hundred dollars (\$300.00) to the Department. A septage management firm that operates two or more pumper trucks shall pay an annual fee of four hundred dollars (\$400.00) to the Department. The fee is due by January 1 of each year. ~~year and varies as follows with the number of septage pumper trucks operated:~~

<u>Number of Septage Pumper Trucks Operated</u>	<u>Fee</u>
<u>1</u>	<u>\$300</u>
<u>2 or more</u>	<u>\$400.</u>

~~All fees Fees~~ collected under this subsection shall be applied only to the costs of the septage management program.

(f) ~~All public or community sanitary sewage wastewater systems designed to discharge effluent to the surface waters may accept, treat and dispose septage from permitted septage management firms, unless acceptance of the septage would constitute a violation of the permit conditions of the sanitary sewage wastewater system. The sanitary sewage wastewater system may charge a reasonable fee for acceptance, treatment treatment, and disposal of septage."~~

Sec. 5. G.S. 130A-335(h) reads as rewritten:

"(h) Except as provided in this subsection, a chemical or portable toilet may be placed at any location where the chemical or portable toilet can be operated and maintained under sanitary conditions. A chemical or portable toilet shall not be used as a replacement or substitute for a water closet or urinal where a water closet or urinal connected to a permanent wastewater treatment system is required by the North Carolina State Building Code, except that a chemical or portable toilet may be used to supplement a water closet or urinal during periods of peak use. A chemical or portable toilet shall not be used as an alternative to the repair of a water closet, urinal, or wastewater treatment system. It shall be unlawful to discharge sewage or other waste from a chemical or portable toilets-toilet used for human waste except into a wastewater system which-that has been approved by the Department-Department under rules adopted by the Commission or by the Environmental Management Commission or at a site that is permitted by the Department under G.S. 130A-291.1."

Sec. 6. This act becomes effective 1 July 1993.

In the General Assembly read three times and ratified this the 16th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives